

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 08 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

KRISTINA VAIDOTAITE,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 05-71729

Agency No. A97-122-618

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted August 26, 2008<sup>\*\*</sup>

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Kristina Vaidotaite, a native and citizen of Lithuania, petitions for review of the Board of Immigration Appeals' order dismissing her appeal from an immigration judge's decision denying her motion to reopen removal proceedings

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

conducted in absentia. We have jurisdiction under 8 U.S.C. § 1252. We review for abuse of discretion the denial of motions to reopen, *Singh v. INS*, 213 F.3d 1050, 1052 (9th Cir. 2000), and we deny the petition for review.

The agency did not abuse its discretion in denying Vaidotaite's motion to reopen because she was aware that the address on her asylum application did not belong to her. *See Singh-Bhathal v. INS*, 170 F.3d 943, 946-47 (9th Cir. 1999) (reliance on advice of non-attorney immigration consultant insufficient to demonstrate "exceptional circumstances" necessary to reopen in absentia proceedings).

Vaidotaite's contention that the agency failed to consider the positive equities in her case is unavailing.

**PETITION FOR REVIEW DENIED.**